



Food and Drug Administration
Rockville MD 20857

Re: Mycobutin® #26
Docket No. 93E-0099

NOV - 9 1994

Stephen G. Kunin
• Deputy Assistant Commissioner for
Patent Policy and Projects
Office of the Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Crystal Park Building 2, Suite 919
Washington, DC 20231

Dear Mr. Kunin:

This is in regard to the patent term extension application for U.S. Patent No. 4,219,478 filed by Adria Laboratories under 35 U.S.C. § 156. The patent claims the human drug product Mycobutin®, New Drug Application (NDA 50-689).

In the April 15, 1994 issue of the Federal Register (59 Fed. Reg. 18133), the Food and Drug Administration published its determination of this product's regulatory review period, as required under 35 U.S.C. § 156(d)(2)(A). The notice provided that on or before October 12, 1994, 180 days after the publication of the determination, any interested person could file a petition with FDA under 35 U.S.C. § 156(d)(2)(B)(i) for a determination of whether the patent term extension applicant acted with due diligence during the regulatory review period.

The 180-day period for filing a due diligence petition pursuant to this notice has expired and FDA has received no such petition. Therefore, FDA considers the regulatory review period determination to be final.

Please let me know if we can provide further assistance.

Sincerely yours,

Ronald L. Wilson
Director
Health Assessment Policy Staff
Office of Health Affairs

cc: Mark P. Levy, Esq.
Thompson, Hine, & Flory
2000 Courthouse Plaza, N.E.
P.O. Box 8801
Dayton, OH 45401-8801